

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MICHAEL LEE WALKER,	)	
	)	
Petitioner,	)	
	)	
-vs-	)	Case No. CIV-09-1398-F
	)	
STATE OF OKLAHOMA,	)	
et al.,	)	
	)	
Respondents.	)	

**ORDER**

On December 30, 2009, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation, wherein he recommended that petitioner's motion for leave to proceed *in forma pauperis* be denied and that he be ordered to prepay the full \$5 filing fee for this action to proceed. In the Report and Recommendation, Magistrate Judge Argo further recommended that unless petitioner pays the \$5 filing fee in full to the court clerk on or before January 19, 2010, this action be dismissed without prejudice to refiling.

On January 12, 2010, the court clerk received the \$5 filing fee from petitioner. As petitioner has timely paid the \$5 filing fee, the court concludes that Magistrate Judge Argo's Report and Recommendation should be accepted to the extent that it recommends petitioner's motion for leave to proceed *in forma pauperis* be denied and should be deemed moot to the extent it recommends that this action be dismissed without prejudice to refiling.

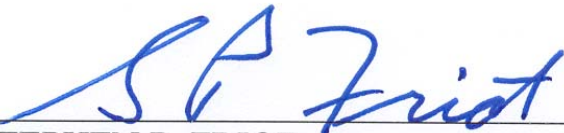
IT IS THEREFORE ORDERED that the Report and Recommendation issued by United States Magistrate Judge Doyle W. Argo on December 30, 2009 (doc. no.

5) is **ACCEPTED** to the extent it recommends petitioner's motion for leave to proceed *in forma pauperis* be denied and is **DEEMED MOOT** to the extent it recommends that this action be dismissed without prejudice to refiling.

IT IS ALSO ORDERED that Petitioner's motion for leave to proceed *in forma pauperis*, filed December 28, 2009 (doc. no. 2), is **DENIED**.

This action remains referred to United States Magistrate Judge Doyle W. Argo in accordance with the court's order of referral filed December 30, 2009.

DATED this 13<sup>th</sup> day of January, 2010.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE